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WASHINGTON, DC 20006

In re Application of :
John A. Giordano et al :
Serial No.: 10/790,027 : DECISION ON PETITION
Filed: March 2, 2004 :
Attorney Docket No.: 48508-00014 :

This letter is in response to the Petition under 37 C.F.R. 1.181 requesting withdrawal of an Office imposed suspension mailed November 3, 2005.

37 CFR 1.103(e) provides that the Office will notify applicant if the Office suspends action in an application on its own initiative. Every suspension of action initiated by the Office will be limited to a time period of a maximum of 6 months. An examiner may grant an initial suspension of Office action on his or her own initiative, as in MPEP § 709.01 and MPEP Chapter 2300, for a maximum period of 6 months. A notification of suspension must be mailed to the applicant for each Office-initiated suspension of action, even for second or subsequent suspensions, and must include a suspension period (a maximum of 6 months).

On November 3, 2005, the examiner determined that the claims of the above identified application met the conditions for patentability under 35 U.S.C. 101, 102, 103 and 112. However, upon conducting an interference search of other pending applications, it was discovered that another unrelated application appeared to contain claims of overlapping scope to those deemed allowable. The other application also appeared to have an earlier effective filing date. On this basis the examiner was advised to suspend action in this application until prosecution I the other application could advance or be concluded.

Upon receipt of applicants' petition a further review was undertaken of the scope of claims in the two applications and the priority date claimed. Based on this review it has been decided to remove the suspense status and resume prosecution.

The petition is **GRANTED**. The suspension is withdrawn.

The application will be returned to the examiner for prompt action on the application.

Should there be any questions regarding this decision, please contact Special Program Examiner, William R. Dixon, Jr. by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

A handwritten signature in black ink, appearing to read "Bruce M. Kisliuk", with a long horizontal flourish extending to the right.

Bruce M. Kisliuk
Director, Technology Center 1600